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OFFICE OF PETITIONS

In re Application of
Frank J. Pellegrino, et al.
Application No. 08/581,992
Filed: January 2, 1996
Attorney Docket No.

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 2, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed December 23, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. An Advisory action was mailed on July 14, 2004, indicating that the reply filed on March 26, 2004 (Certificate of Mailing dated March 23, 2004) failed to place the application in condition for allowance. Accordingly, the application became abandoned on March 24, 2004.

The filing of the RCE on January 31, 2005, obviates the Notice of Appeal filed with the petition on December 2, 2004. Accordingly, the Notice of Appeal will not be entered.

Since the present RCE was filed without a submission, the unentered amendment filed March 26, 2004 will be considered the submission required under 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application file is being forwarded to Technology Center 3600, Art Unit 3624 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams

Retta Williams
Petitions Examiner
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for Patent Examination Policy